

ORIGINAL

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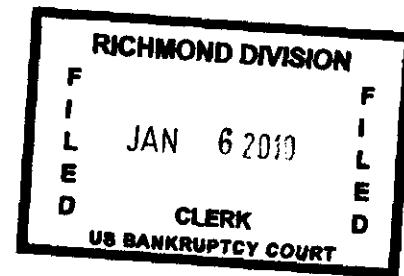
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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

In re:) Chapter 11
)
CIRCUIT CITY STORES, INC. and CIRCUIT)
CITY STORES WEST COAST, INC., et al.,) Case No. 08-35653 and
) 08-35654
Debtors.) Jointly Administered
)

MOTION FOR LEAVE OF COURT TO ATTEND HEARING BY TELEPHONE

JOHNATHAN CARD, on behalf of himself and all others similarly situated, and JOSEPH SKAF, on behalf of himself and all others similarly situated ("Creditors"), by and through their undersigned counsel, hereby request that the Court permit Creditors' counsel to appear telephonically at the January 14, 2010 Status Conference at 2:00 p.m. on Debtor's Thirty-First Omnibus Objections to Claims. In support of this Motion, Creditors state as follows:

1. On November 3, 2008, Creditor Card filed his lawsuit on behalf of himself and all other assistant managers employed by Debtors seeking overtime compensation, compensation for missed meal and rest breaks, waiting time penalties and attorneys' fees under California law. The class action-styled case, which is entitled *Card v. Circuit City, Inc.*, is filed in the San Diego Superior Court, Case No. 37-2008-00095260-CU-OE-CTL. Creditor Card seeks to represent all California-based assistant managers who were employed by Debtors and who were not paid

overtime compensation, or provided meal and rest breaks. Considerable state trial court litigation occurred prior to the bankruptcy filing.

2. On December 19, 2008, Creditor Skaf filed his lawsuit on behalf of himself and all other California-based salaried “Entertainment Managers”, “Technology Managers”, “Service & Installation Managers”, “Sales Managers”, and “Operations Managers” employed by Debtors seeking overtime compensation, compensation for missed meal and rest breaks, waiting time penalties and attorney’s fees under California law. The class action-styled case, which is entitled *Skaf et al. v. Circuit City, Inc.*, is filed in the Los Angeles Superior Court, Case No. BC404195. Creditor Skaf seeks to represent all California-based “Entertainment Managers”, “Technology Managers”, “Service & Installation Managers”, “Sales Managers”, and “Operations Managers” who were employed by Debtors and who were not paid overtime compensation, or provided meal and rest breaks. Considerable trial court litigation occurred prior to the bankruptcy filing.

3. On January 13, 2009, Creditors Card and Skaf, through their counsel, timely filed proofs of claim with claims administrator Kurtzman Carson Consultants. Creditor Card’s claim numbers 6040 and 6047. Creditor Skaf’s claim is identified as claim numbers 13724 and 13744.

4. The Creditors submitted a timely response in opposition to Debtors’ Thirty-First Omnibus Objection to Claims [Docket No. 4943 and 4946]. Pursuant to Debtor’s Thirty-First Omnibus Objection to Claims [Docket No. 5294], Creditors’ claims are among those to be addressed at the Status Conference scheduled for January 14, 2010.

5. On November 13, 2008, the Court entered an Order Pursuant to Bankruptcy Code Section 102 and 105, Bankruptcy Rules 2002 and 9007, and Local Bankruptcy Rules 2002-1 and 9013-1 Establishing Certain Notice, Case Management, and Administrative Procedures (the “Order”). Page 5 of Exhibit A to the Order states:

(g) Upon request, the Court may allow counsel to listen to a hearing by telephone. If a matter is contested, counsel must attend in person, unless leave of the court is granted on a case by case basis.

6. Creditors' counsel is located in California State. In order to avoid the time and expense of traveling to Virginia for the Status Conference, Creditors' counsel respectfully requests that the Court permit Creditors' counsel to appear by telephone at the January 14, 2010 status conference, rather than make a personal appearance.

WHEREFORE, Creditors Jonathan Card, on behalf of himself and all others similarly situated and Creditors Joseph Skaf, on behalf of himself and all others similarly situated, ("Creditors") respectfully request that this Court grant this request and enter an order substantially in the form attached hereto permitting Matthew Righetti to appear and be heard by telephone at the hearing on January 14, 2010 on behalf of the Creditors and grant such other relief as necessary and appropriate.

Respectfully submitted,

RIGHETTI LAW FIRM, P.C.

Dated: January 5, 2010

/s/ Matthew Righetti

Matthew Righetti

Counsel to Jonathan Card, on Behalf of Himself and All Others Similarly Situated, and Joseph Skaf, on Behalf of Himself and All Others Similarly Situated.

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ENCLOSURE FOR YOUR INFORMATION

January 5, 2010

To: Clerk of the Court

Re: *Circuit City Stores, Inc. Case No. 08-35653 and 08-35654*

Please find enclosed Creditor Card and Skaf's Motion for Leave of Court to
Attend Hearing By Telephone and Order Granting Motion with a proof of
service. Please return a file endorsed copy in the enclosed envelope.

Please feel free to call if you have any questions.

Thank you,

Jenna Peterson
RIGHETTI LAW FIRM, P.C.

415-983-0900